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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,088	04/26/2001	JJ Garcia-Luna-Aceves	5543P003	1603

7590 08/04/2004

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/845,088

Applicant(s)

GARCIA-LUNA-ACEVES ET AL.

Examiner

Mohammad A Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ®
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-21 are presented for examination.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

2. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

3. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1- 21 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of copending U.S. Application Number 09/844759. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

In referring to claim 1 of this application and claim 3 of Application 09/844759 does not state "determining, according to information included in a uniform resource locator (URL) whether the client is authorized to receive the information object". None the less this feature is well known in the art, and would have been an obvious modification to the system disclosed by claim 1 of this application.

5. "A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or **anticipated by**, the earlier claim.

In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46

USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). " ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made:

7. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCanne et al. (6,415,323) (hereinafter McCanne) in view of Shanumgan et al. (6,708,187) (hereinafter Shanumgan).

8. As per claim 1, McCanne discloses directing a client's request for an information object to an information object repository without regard as to whether the information object is actually stored at the information object

repository (database, probe and loading characteristics, col 19, lines 35-38);
and

determining, according to information included in a uniform resource locator (URL) whether the client to receive the information object (embed, col 9, lines 48-60, col 5, lines 60-65, col 6, lines 1-4).

McCanne does not specifically disclose client is authorized.

However, Shanumgan discloses client authorization (col 5, lines -55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine McCanne with Shanumgan because it would provide the trusted computing base concept, discretionary access control, labels, mandatory access controls, object reuse, audit, identification and authentication, trusted path, and security testing.

9. As per claims 2 and 13, McCanne discloses wherein the information object repository is selected according to specified performance metrics (Quality of service and load balancing, col 17, lines 48-67).

10. As per claims 3 and 14, McCanne discloses McCanne does not specifically disclose average delay from the information object repository to the client, average processing delays at the information object repository, reliability of a path from the information object repository to the client,

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available bandwidth in said path, and loads on the information object repository (Quality of service and load balancing, col 17, lines 48-67).

11. As per claim 4, McCanne discloses further comprising instructing the information object repository to obtain a copy of the information object (locally cached, col 15, lines 1-26).

12. As per claim 5, McCanne discloses wherein the information included in the URL comprises information identifying the requesting client (col 15, lines 1-26).

13. As per claim 6, McCanne discloses wherein the information included in the URL further comprises information identifying an owner of the information object (col 8, lines 65-67, col 9, lines 1-12).

14. As per claims 7 and 16, McCanne is silent about the wherein the information included in the URL comprises one or more digital signatures.

However, Shanumgan discloses wherein the information included in the URL comprises one or more digital signatures (URL blocking, col 11, 1-10, col 17, lines 38-55, col 18, lines 4-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine McCanne with Shanumgan because it would provide the trusted computing base concept, discretionary access control, labels, mandatory access controls, object reuse, audit, identification and authentication, trusted path, and security testing.

15. As per claims 8 and 17, McCanne is silent about one or more digital signatures identify one or more of: the requesting client, and an owner of the information object.

However, Shanumgan discloses wherein the one or more digital signatures identify one or more of: the requesting client, and an owner of the information object (URL blocking, col 11, 1-30, col 17, lines 38-55, col 18, lines 4-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine McCanne with Shanumgan because it would provide the trusted computing base concept, discretionary access control, labels, mandatory access controls, object reuse, audit, identification and authentication, trusted path, and security testing.

16. As per claim 9, McCanne discloses wherein the information included in the URL is compared with an access list at the information object repository

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to determine whether the client is authorized to receive the information object (col 5, lines 60-65, col 6, lines 1-4, col 15-16).

17. As per claims 10 and 21, McCanne is silent about the denying access to the information object if the client is not authorized to receive the information object, otherwise, returning the information object to the client.

However, Shanumgan discloses denying access to the information object if the client is not authorized to receive the information object, otherwise, returning the information object to the client (URL blocking, col 11, 1-30, col 17, lines 38-55, col 18, lines 4-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine McCanne with Shanumgan because it would provide the trusted computing base concept, discretionary access control, labels, mandatory access controls, object reuse, audit, identification and authentication, trusted path, and security testing.

18. As per claim 11, McCanne discloses the information included in the URL comprises at the information object repository to determine whether the client is to receive the information object (col 5, lines 60-65, col 6, lines 1-4, col 15-16).

However, Shanumgan discloses the information included in the URL comprises multiple digital signatures and each digital signature is compared with an access list at whether the client is authorized to the information (URL blocking, col 11, 1-30, col 17, lines 38-55, col 18, lines 4-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine McCanne with Shanumgan because it would provide the trusted computing base concept, discretionary access control, labels, mandatory access controls, object reuse, audit, identification and authentication, trusted path, and security testing.

19. As per claim 12, McCanne discloses

referring requests for the content to selected information object repositories of the caching infrastructure without regard as to whether the content is actually stored at the information object repositories (col 10, line 1, col 15, lines 1-26); and

McCanne is silent about the assigning a set of access control labels to each of a number of users of a caching infrastructure in a network, the labels to be used in specifying access control lists for content of the users;

controlling access to the content according to access lists developed according to the access control labels.

However, Shanumgan discloses assigning a set of access control labels to each of a number of users of a caching infrastructure in a network, the labels to be used in specifying access control lists for content of the users (col 7, lines 14-65);

controlling access to the content according to access lists developed according to the access control labels (col 17, lines 22-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine McCanne with Shanumgan because it would provide the trusted computing base concept, discretionary access control, labels, mandatory access controls, object reuse, audit, identification and authentication, trusted path, and security testing.

20. As per claim 15, McCanne is silent about the access is controlled by comparing information included in uniform resource locators (URLs) to the access control lists.

However, Shanumgan discloses the access is controlled by comparing information included in uniform resource locators (URLs) to the access control lists (URL blocking, col 11, 1-30, col 17, lines 38-55, col 18, lines 4-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine McCanne with Shanumgan

because it would provide the trusted computing base concept, discretionary access control, labels, mandatory access controls, object reuse, audit, identification and authentication, trusted path, and security testing.

21. As per claim 18, McCanne is silent about the maintaining the access control lists corresponding to the access control labels.

However, Shanumgan discloses the maintaining the access control lists corresponding to the access control labels (decision engine, col 17, lines 20-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine McCanne with Shanumgan because it would provide the trusted computing base concept, discretionary access control, labels, mandatory access controls, object reuse, audit, identification and authentication, trusted path, and security testing.

22. As per claim 19, McCanne is silent about the access control labels are hierarchical in nature.

However, Shanumgan discloses the access control labels are hierarchical in nature (col 5, lines 28-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine McCanne with Shanumgan

because it would provide the trusted computing base concept, discretionary access control, labels, mandatory access controls, object reuse, audit, identification and authentication, trusted path, and security testing.

23. As per claim 20, McCanne discloses wherein each of the information object repositories of the caching infrastructure stores a copy of the object (locally cached, col 15, lines 1-26).

McCanne is silent about the access control lists.

However, Shanumgan discloses the access control lists (col 17, lines 20-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine McCanne with Shanumgan because it would provide the trusted computing base concept, discretionary access control, labels, mandatory access controls, object reuse, audit, identification and authentication, trusted path, and security testing.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,574,609

U.S. Patent 5,859,966

Novell Certificate Extension Attributes, Tutorial and Detail design,
Robert R. Jueneman, August 7, 1998

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (703) 305-0353. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS



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